

**MINUTES
OF
THE NEWARK BOARD OF ADJUSTMENT
REGULAR HEARING
JANUARY 23, 2014
COUNCIL CHAMBERS
7PM**

CHAIRPERSON MARGARET EL CALLED TO ORDER THE MEETING OF THE BOARD OF ADJUSTMENT BY READING THE "OPEN PUBLIC MEETING ACT".

ROLL CALL OF COMMISSIONERS:

PRESENT

**Charles Auffant
Terence Baine
Osvaldo Geronimo
Anton L. Lendor
Pedro Massieu
Julius Montford
Rose Marie Ruivo
Malik Arbubakrr
Margaret J. El**

ALSO PRESENT

**Ade Afolabi, Zoning Officer
N'dela Costley, Acting Board Secretary
Walford Ennis, Recording Secretary
Angelo Cifelli, Board Attorney**

New Applications:

2-14-A
PREMISES: Ward: Central
468-498 Broad Street
APPLICANT: Broad Street Fidelco, LLC
TO PERMIT: In the Broad Street Station Redevelopment Plan area, proposed replacement of two existing signs with two new 25'x12' signs on an existing building with a restaurant. Sign placement and size does not meet the requirements of Title 40:10. **Seeking two Sign Variances. Michael Oliveira, Esq.,** appeared before the Board. There were no objectors present. A motion was made by **Commissioner Geronimo** and seconded by **Commissioner Auffant** to approve this application. Motion carried 7-0.

2-14-B
PREMISES: Ward: Central
714-728 Dr. MLK Jr Blvd, 31-33 Longworth Street & 34-42 Longworth Street
APPLICANT: Centro Cristiano Calvario Inc.
TO PERMIT: In the Lincoln Park Redevelopment Plan area, proposed establishment of a Philanthropic Social Service Center at 714-728 Dr. MLK Jr Blvd (Bldg 1), Daycare Facility, After School Program, Religious Education and meeting space in the rear of 714-728 Dr. MLK Jr (Carriage House/Bldg 2), House of Worship with a Food Pantry at 34 Longworth Street (Bldg 3) and an accessory Parking Lot at 31-33 Longworth Street. Project does meet the requirements of the Zoning Regulations, Philanthropic Institutions, Schools, Daycare Facilities and Houses of Worship are not permitted in the Lincoln Park Redevelopment area. **Seeking Use Variances. Preliminary and Final Site Plan approval required. Jennifer Carrillo Perez, Esq., Philip Scott, .E., John McDonough, Professional Planner, Francisco Melendez, Architect and Daniel Vargas, Jr., Applicant** appeared before the Board. The chamber was filled with over 100 people in support of the application. There were no objectors present. A motion was made by **Commissioner Auffant** and seconded by **Commissioner Baine** to approve this application with conditions. Motion carried 7-0. Site Plan approved 7-0.

- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.
- Applicant agreed to comply with the recommendations outlined in the Planner's Report dated January 22, 2014.
- The Carriage House will only be used for a daycare facility and religious education.

2-14-C
PREMISES:
APPLICANT:
TO PERMIT:

Ward: Central
91-93, 95 Halsey Street
XSH6, LLC

In the Living Downtown Redevelopment Plan area, proposed partial rehabilitation of 91-93 Halsey Street and one floor addition and rehabilitation of 95 Halsey into two mixed use buildings. 91-93 Halsey Street will consist of three commercial units on the ground floor, three residential units on the second, third and fourth floors totaling nine residential units. 95 Halsey Street consists of two commercial units on the ground floor and two residential units on the second, third and fourth floors totaling six residential units. Project does not conform to the Living Downtown /B4 Zoning Requirements. Exceeds density and insufficient rear yard set back. **Seeking D⁵ Variance and C Variance for insufficient rear yard. Preliminary and Final Site Plan approval required. Marsha M. Moore, Esq., and Jimmy Dumas, Architect and Planner appeared before the Board. There were no objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Baine to approve this application with conditions. Motion carried 7-0. Site Plan approved 7-0.**

- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.
- Applicant agreed to comply with the comments outlined in the Planner's Report dated January 21, 2014.

2-14-D
PREMISES:
APPLICANT:
TO PERMIT:

Ward: North
606-612 Broadway
Jose Nieves

In the Second Business District, proposed merger of three lots into one lot, new construction of a one story building to be used as an Auto Repair Facility in the rear of 606 & 608 Broadway. The existing two family dwelling located at 608 Broadway to remain. One story addition and change of use from an Auto Repair Facility to a Restaurant in the existing one story brick building located at 610-612 Broadway. Auto Repair Facilities are not permitted in B2. **Seeking a Use Variance, C Variances for insufficient rear yard setback, insufficient parking and Variance for exceeding number of permitted driveways. Preliminary and Final Site Plan approval required. Marsha M. Moore, Esq., Daniel A. Roma, Architect, Jose and Pedro Nieves, Applicant, appeared before the Board. There were no objectors present. A motion was made by Commissioner Ruivo and seconded by Commissioner Montford to approve this application with conditions. Motion carried 5-1. Site Plan approved 5-1.**

- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.

- Applicant agreed to comply with the comments outlined in the Planner's Staff Report dated January 15, 2014.
- An exhaust system shall be installed in the auto mechanic facility.
- Mechanic work shall be done by appointment only.
- Vehicles from the adjacent used car lot cannot be stored in the auto mechanic facility.
- The owner of the restaurant shall enter into a long term lease and install a sign for customers to park across the street at the existing grocery store parking lot.

2-14-E
 PREMISES:
 APPLICANT:
 TO PERMIT:

Ward: South
 49 Hanford Street
 Maria E. Yglesias

In the Second Residential District, proposed two story framed addition to an existing two story dwelling to be used as a four unit apartment building. Project does not meet the requirements of the Zoning Regulations. Four Family dwellings are not permitted in R2. Seeking Use Variance and C Variance for exceeding maximum of 55% impervious lot coverage. Preliminary and Final Site Plan approval required. Rocco Paola, Esq., Frank Tomaino, Architect and Maria Yglesias, Applicant appeared before the Board. There were no objectors present. A motion was made by Commissioner Montford and seconded by Commissioner Lendor to approve this application with conditions. Motion carried 6-0. Site Plan approved 6-0.

- Applicant agreed to comply with the directives from the Dept. of Engineering and the Div. of Water/Sewer Utilities.
- Applicant agreed to comply with the comments outlined in the Planner's Report dated January 21, 2014.

Memorialization
 12-13-A 13-45 Littleton Avenue
 1-14-B 11 Hensler Street

Adjournment

Next Regular Meeting: February 13, 2014